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8

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

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12 COURTNEY MOTLEY,

13 Plaintiff,

14 vs.

15 CARLOS SILVA, #18356  
ERICA NOGLE, #9624

16 Defendants.  
17

CASE NO. 2:23-cv-00624-RFB-BNW

**OFFICER ERICA NOGEL AND  
OFFICER CARLOS SILVA'S MOTION  
FOR LEAVE TO TAKE DEPOSITION OF  
PLAINTIFF COURTNEY MOTLEY, AN  
INCARCERATED PERSON**

18 COMES NOW Officer Carlos Silva and Officer Erica Nogle ("Defendants"), by and  
19 through their attorneys of record, Robert W. Freeman, Esq. and E. Matthew Freeman, Esq., of  
20 Lewis Brisbois Bisgaard & Smith, LLP, and hereby move this Honorable Court, pursuant to Fed.  
21 R. Civ. P. 30(a)(2)(B) for leave to take the deposition of Plaintiff Courtney Motley, currently  
22 incarcerated. This motion is made and based upon the following Memorandum of Points and  
23 Authorities as well as the papers and pleadings on file herein.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. THE DEPOSITION OF COURTNEY MOTLEY, WHO IS CURRENTLY INCARCERATED AT THE CLARK COUNTY DETENTION CENTER, NEVADA, IS NECESSARY FOR THE PREPARATION OF THE DEFENSE IN THIS MATTER.**

Plaintiff, an inmate in the custody of the Las Vegas Metropolitan Police Department, at the Clark County Detention Center, filed a Complaint on October 17, 2023, alleging, among other things, violations of his civil rights under 42 U.S.C. §1983. (ECF No. 5). Because Plaintiff was, and remains, an unrepresented inmate, Magistrate Judge Weksler, screened Plaintiff's Complaint on October 17, 2023, and allowed Plaintiff to proceed against the Las Vegas Metropolitan Police Department Defendants on several grounds, including, but not limited to excessive force, and unlawful arrest. (ECF No. 4). The Las Vegas Metropolitan Police Department ("LVMPD") Defendants deny each of the allegations contained in Plaintiff's Complaint and associated Screening Order.

Pursuant to Fed. R. Civ. P. 30(a)(2)(B), the deposition of a person confined in prison may only be taken by leave of Court. The LVMPD Defendants submit that deposition testimony is necessary to the preparation of the defense in this matter as it will allow the LVMPD Defendants a better understanding concerning each of Plaintiff's factual allegations.

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1     **II.     CONCLUSION**

2             Pursuant to the foregoing facts, precedent and legal argument, and based on the vital nature  
3 of Plaintiff's testimony in this matter, Defendants respectfully request the Court issue an Order  
4 permitting Plaintiff Courtney Motley's deposition to go forward at the place of his incarceration  
5 pursuant to Fed. R. Civ. P. 30(a)(2)(B).

6             DATED this 18<sup>th</sup> day of April, 2024.

7                             LEWIS BRISBOIS BISGAARD & SMITH LLP

8                             /s/ Robert W. Freeman

9                             ROBERT W. FREEMAN

10                            Nevada Bar No. 3062

11                            E. MATTHEW FREEMAN

12                            Nevada Bar No. 14198

13                            6385 S. Rainbow Blvd., Suite 600

14                            Las Vegas, Nevada 89118

15                            Attorneys for Defendants

16                            Officer Erica Nogle

17                            Officer Carlos Silva

18     **IT IS SO ORDERED**

19     **DATED:** 5:58 pm, April 22, 2024

20                            

21     **BRENDA WEKSLER**

22     **UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18<sup>th</sup> day of April, 2024, I electronically filed the **OFFICER ERICA NOGEL AND OFFICER CARLOS SILVA'S MOTION FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF COURTNEY MOTLEY, AN INCARCERATED PERSON** with the Clerk of the Court through Case Management/Electronic Filing System.

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 18<sup>th</sup> day of April, 2024, I served a true and correct copy of the foregoing **OFFICER ERICA NOGEL AND OFFICER CARLOS SILVA'S MOTION FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF COURTNEY MOTLEY, AN INCARCERATED PERSON** by depositing a copy of same in the United States Mail at Las Vegas, Nevada postage fully prepaid, addressed to:

COURTNEY MOTLEY  
#7030758  
Clark County Detention Center  
330 South Casino Center  
Las Vegas, NV 89101  
Plaintiff in Proper Person

/s/ Kristen Freeman  
Employee of LEWIS BRISBOIS  
BISGAARD & SMITH LLP